AMENDMENTS TO THE DRAWINGS:

The attached sheets of Drawings includes changes to Figs. 1, 3, 10, and 11. These sheets, which includes Figs. 1, 3, 10, and 11, replace the original sheets including Figs. 1, 3, 10, and 11.

Attachment: Four (4) Replacement Sheets.

REMARKS/ARGUMENTS

Claims 27-42 are pending in this application. By this Amendment, Applicant AMENDS the specification and the drawings, CANCELS claims 11-26, and ADDS claims 27-42.

Support for new claims 28-33 and 36-42 can be found in, for example, Applicant's previously presented claims 12-17, 19, 20, and 22-26, respectively. Support for new claim 34 can be found in, for example, paragraph [0034] of Applicant's specification. Support for new claims 27 and 35 will be addressed below.

Applicant appreciates the Examiner's indication that claims 17 and 26 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

The specification was objected to for allegedly containing minor informalities. Applicant has amended the specification to correct the minor informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

The drawings were objected to for allegedly containing minor informalities. Applicant has amended Figs. 1, 3, 10, and 11 to correct the minor informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

Claims 12, 18, 19, and 24 were objected to for allegedly containing minor informalities. Claims 12, 18, 19, and 24 have been canceled, and Applicant's new claims have been drafted to avoid the minor informalities noted by the Examiner. Accordingly, Applicant respectfully submits that the objection to claims 12, 18, 19, and 24 is moot.

Claims 11-16, 18, 19, and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nakashima et al. (U.S. 6,182,640). Claims 11-14 and 18-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Saito et al. (U.S. 4,871,041).

Applicant has canceled claims 11-26 and added new claims 27-42.

New claim 27 recites:

A straddle type vehicle comprising:
a fuel tank including an opening; and
a fuel pump assembly positioned at least partially inside of the fuel tank, the fuel pump assembly including a fuel pump; wherein
the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump; and
the pump axis extends substantially in a width direction of the vehicle. (emphasis added)

New claim 35 recites:

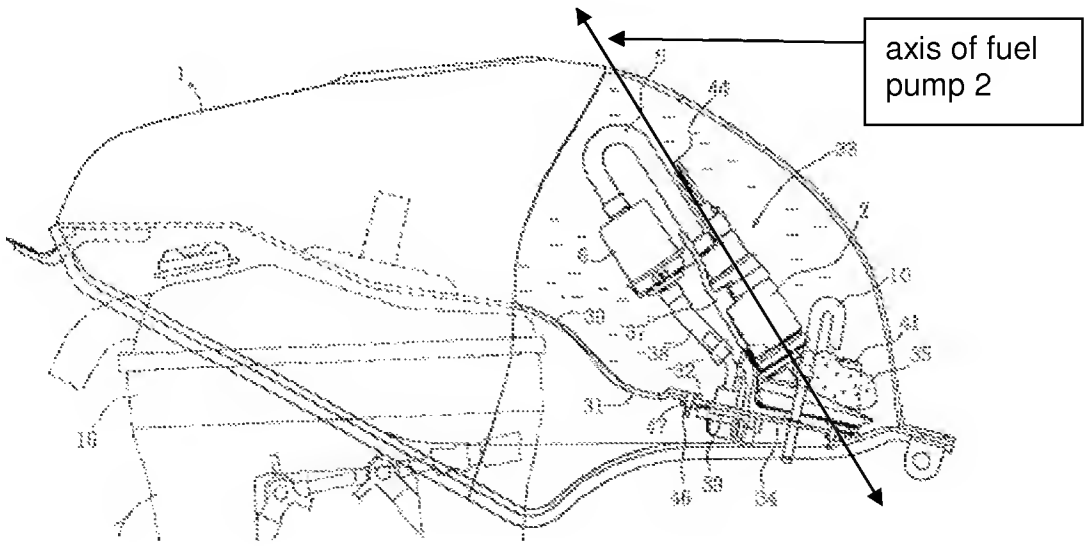
A straddle type vehicle comprising:
a frame assembly;
a fuel tank straddling the frame assembly in a width direction of the vehicle, the fuel tank including a substantially horizontal surface portion at a bottom of the fuel tank; and
a fuel pump assembly in the fuel tank, the fuel pump assembly including a fuel pump; wherein
the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump;
the fuel pump is mounted to the substantially horizontal surface portion with the pump axis of the fuel pump extending substantially in the width direction of the vehicle. (emphasis added)

With the unique combination and arrangement of features recited in Applicant's claim 27, including the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the pump axis extends substantially in a width direction of the vehicle," and recited in Applicant's claim 35, including the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the fuel pump is mounted to the substantially horizontal surface portion with the pump axis of the fuel pump extending substantially in the width direction of the vehicle," Applicant has been able to provide a straddle type vehicle that improves fuel pick up even during changes in the fuel level caused by acceleration, deceleration, and other changes in the attitude of the vehicle and simplifies attachment of the fuel pump which eases assembly and routing of fuel lines and the like (see, for example, paragraph [0006] of Applicant's specification).

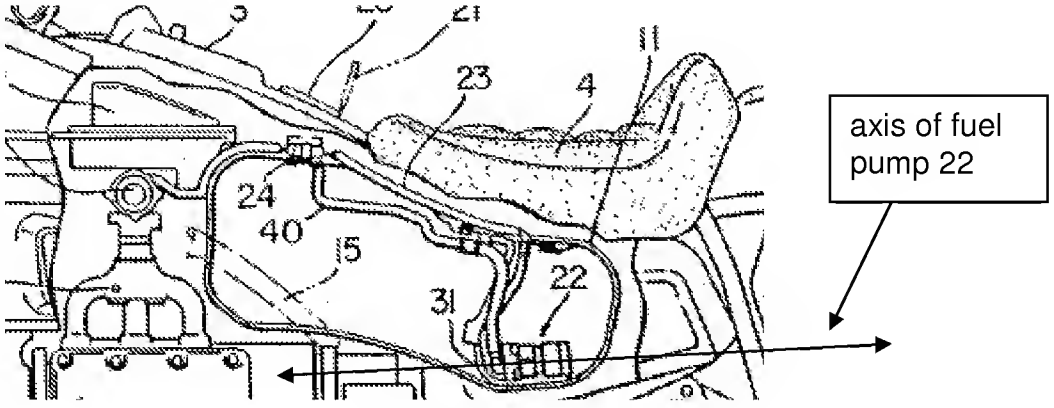
The Examiner alleged that each of Nakashima et al. and Saito et al. teaches all of the features recited in Applicant's previously presented claims 11 and 18, including the feature of a fuel pump assembly comprising a pump axis that extends generally transversely relative to the saddle type vehicle.

Applicant's new claim 27 recites the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the pump axis extends substantially in a width direction of the vehicle," and Applicant's new claim 35 recites the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the fuel pump is mounted to the substantially horizontal surface portion with the pump axis of the fuel pump extending substantially in the width direction of the vehicle." Support for these features is found in, for example, paragraphs [0034] and [0046] of Applicant's specification, Figs. 1, 2, 5, 6, 10, and 11 of Applicant's drawings, and Applicant's previously presented claims 11 and 18.

In contrast to Applicant's claimed invention, Nakashima et al. teaches a fuel pump assembly including a fuel pump 2 having an axis that extends at an incline in a vertical direction and a longitudinal direction of the vehicle (see, for example, the marked-up copy of Fig. 1 of Nakashima et al. below).



Saito et al. teaches a fuel pump assembly including a fuel pump 22 having an axis that extends in a longitudinal direction of the vehicle (see, for example, the marked-up copy of Fig. 1 of Saito et al. below).



Thus, each of Nakashima et al. and Saito et al. clearly fails to teach or suggest the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the pump axis extends substantially in a width direction of the vehicle," as recited in Applicant's claim 27, and the features of "the fuel pump has a length longer than a width and a pump axis extending along the length of the fuel pump" and "the fuel pump is mounted to the substantially horizontal surface portion with the pump axis of the fuel pump extending substantially in the width direction of the vehicle," as recited in Applicant's claim 35.

Accordingly, Applicant respectfully submits that any rejection of claims 27 and 35 under 35 U.S.C. § 102(b) as being anticipated by Nakashima et al. or Saito et al. would be improper for at least the reasons discussed above. Furthermore, because neither of Nakashima et al. and Saito et al. remotely teach or suggest orienting the pump axis substantially in a width direction of the vehicle, Applicant respectfully submits that any rejection of claims 27 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Nakashima et al. or Saito et al. would also be improper for at least the reasons discussed above.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 27 and 35 are allowable. Claims 28-34 and 36-42 depend upon claims 27 and 35, and are therefore allowable for at least the reasons that claims 27 and 35 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: May 12, 2011

/Stephen R. Funk #57,751/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368

Stephen R. Funk
Registration No. 57,751